App. F IX-4

Previous References

Mc 163-29 (1.7)

1940 (Mc)

File No. 98-39
Serial Nos. 2 to 5

Later References.

LR 670-40 (1-2)
LR. 173-40-1-5.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

Part B for Nov 39

SUBJECT.

Construction of buildings on the road side leaving a margin of 75 feet from the Centre of the road in Town & Municipalities and in villages

To,

The Chief Engineer
The D.C.'s of all districts
The Chairmen of Port Boards.
The Municipal Commrs. & Vice Chairmen
The Chairmen of Improvement Trusts
Municipalities etc.

Madras
24/7/40.

G R S APP F III—1]

GENERAL AND REVENUE SECRETARIAT

(Mg)

NOTES

File No. 98-39

FILE HEADING

Width of Road margin - in Mhs

FROM The Chief Engineer of Mysore

No. 4150 Dated 29-9-1939 Received

Diary No. 2012 | Enclos. | Spare copies | Serial No 2

BRIEF ABSTRACT OF LETTER

Recommends that the Govt order, regarding the prohibition of the construction of buildings on road margins, may be amended so as to allow a road margin of 40 feet from the extreme boundary of the land available or 75 feet from the centre whichever is less.

NOTES AND ORDERS.

R

1 According to Govt o No L 9907-37/ Mg 163-39-7 dated 16-6-39, a margin of 50 feet measured from the extreme boundary of the land available of the road has to be left in the case of newly opened roads.

2 The Chief Engineer states that it was decided at the Officers' meeting in Oct 1938 that the road margin should be fixed at 75 feet from

NOTES—First Sheet

WD 0365—GPS—3,925—22-1-38

Fixing the road margin

2017
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Mr File No. 98 of 1939

General and Revenue Secretariat

the centre of the road. He therefore requests that G.O of 1931 may be modified so as to allow a margin of 40 feet from the eastern boundary of the land which is 75 feet from the centre of the road whichever is less, in respect of new proposed roads

Submitted for orders.

Rmvr 11/30 3 Draft modification of the G.O may be laid before the Committee

2 Draft G.O is submitted for approval

Rmvr 6/11/39 (Laws Secy)

2nd Member

Secretary

6/11/39

The G O of 1931 has been superseded by the G.O of 1st July 1937 which may also be read in the preamble

8/11/39

Revised draft G.O is submitted for approval

Rmvr 9/11/39

R

Vide Rev. J

SECY LAW DEPT. 6 NOV. 1939 GOVT OF W. INDIA

3867

General and Revenue Secretariat | Mg File No 98 of 1939 2017/2 [App F III 2

Serial No	
5	To the Chief Engineer " Dy Commr of Dts " Pdts of Dist Bds " Mg Commr, Bangalore etc " Distt, City Mgl, Mysore No 4 to 8-27 dt 18-11-39 Sanctions the Chief Engineers proposal

Rep Secs
20/11/39

By Lgn

NOTE—Contn Sheet

File No. of 19 General and Revenue Secretariat.

Serial No

were willing to pay 14 years' revenue He objected to making it compulsory to contribute more than eight years' assessment and said that the urgency of the work more than the capacity of the raiyats to pay more should decide the orders of preference

The First Member explained that the incapacity of the raiyat to pay was to be taken into consideration and not the capacity and that the question whether the work was urgent should be examined from all points of view At present the Public Works Department was giving preference to tanks for which a large contribution was forthcoming But the criterion should be one of urgency and not whether the people were prepared to pay the contribution amount at once.

The Dewan also observed that the question of selection of tanks might be left to be decided by the Executive Engineer and the Deputy Commissioner and that the latter should be the sanctioning authority

SUBJECT No. 43 Prevention of silting up of tanks.

The Chief Engineer reported that he was thinking of having belts of casuarina and other trees to prevent the silting up of tanks

The Chief Secretary suggested that aloes might be grown along the contour

The Dewan observed that this was a matter to be dealt with by the Public Works Department and that all experiments including the digging of pits along the contour might be tried

SUBJECT No 44 Prevention of construction of buildings on road margins.

The Chief Engineer explained that this question was receiving attention

The Second Member explained that definite instructions had been issued in this matter and that as regards old buildings the only method was to acquire them and that new ones should not be allowed to come up.

The Chief Engineer suggested that the road margin be fixed at 75 feet from the centre of the road

This was agreed to.

SUBJECT No 45 Irrigation statistics of old river channels to be furnished to Madras

The Deputy Commissioner, Mysore, said that instructions would be issued to the Jamabandi Officers to furnish the information in time in future.

SUBJECT No 46 Maintenance of roads along the old channels and approaches to anicuts

It was considered that as there were minus balances under Irrigation Cess Fund, it was not possible to spend money for this purpose and that money should be found somewhere else

The Revenue Commissioner brought to notice that the last four miles of the road from Yellandur to Agara Mamballi on the Kollegal Road was very bad

The Dewan said that action may be taken to improve this road

SUBJECT No. 47 Instructions to be issued to Magistrates as regards the trial of offences under the Mysore Irrigation Act.

The Chief Engineer pointed out the difficulties of securing evidence in Irrigation offences and suggested that the Magistrates may be told to be a little more considerate. Such a procedure was not considered to be proper

32 centres in which it was in force and that the scheme should extended to other centres also

The Second Member of Council observed that in the areas already notified, the work had got to be intensified before the question of extension was taken up There were only 11 Testers for 32 centres. The staff should be increased. The present system under which the testing work of Weights and Measures was kept under the control of the Revenue Department did not seem to be satisfactory and he suggested that the staff might be transferred to the Industries Department. The Director was also requested to send up proposals for the staff required for the existing 32 centres The Member added that the question of appointing Inspectors was before Government

SUBJECT No 40 Adoption of measures for the satisfactory execution of maintenance work to tanks and other irrigation works

The Chief Engineer complained that the maintenance work was neglected by the raiyats in 99 per cent of the cases

The Deputy Commissioner, Mysore District, stated that under the existing system the raiyats had neglected to attend to this work and the department had to get it done by Government agency and when the raiyats were approached for the recovery of the contribution, they began to grumble. Hence he suggested that in the case of major tanks and important minor tanks, instead of expecting the raiyats to do maintenance work, an acreage cess varying from Re. 0-8-0 Re 1-0-0 may be levied and the maintenance work might be attended to by Government, meeting the cost out of the cess.

The First Member of Council observed that in many cases the raiyats would prefer to make their contribution in the form of labour, because they found it difficult to pay any amount in addition to the assessment

The Chief Engineer favoured the proposal of the Deputy Commissioner and added that he would like to include even the minor tanks within the scheme

The Dewan observed that the Assembly might be consulted in this matter the next day as that would be the best way of disposing of the question Those who would like to contribute in the shape of labour might be allowed to do so.

41 Recovery of Tank Maintenance charges

The Deputy Commissioner, Kolar District, said that it had become very difficult in his district to recover the maintenance charges for the reason that those charges would have no manner of proportion to the actual work turned out by the Public Works Department. He mentioned that in one case the estimate was Rs. 1,800, while the work done was only to the extent of half that amount Yet the department had to recover the full amount of the estimate. He therefore suggested that it would be better not to bring the amount under demand as soon as the estimate was prepared, but to wait till after the execution of the work

The Revenue Commissioner while expressing himself in favour of the suggestion observed that even now there was nothing preventing the Deputy Commissioner from revising the demand after the actual outlay was definitely ascertained.

SUBJECT No. 42 Restoration of Minor Tanks

The Dewan observed that though there was a programme for tank restoration, the money was not being fully spent It was necessary that the Executive Engineers should work in the closest co-operation with the Deputy Commissioners Government might relax the rules a bit and give more freedom to the Deputy Commissioner and the Executive Engineer The Chief Engineer was requested to put up a note and take the orders of Government on that point Where the work was urgent, the Deputy Commissioner must go ahead

The Chief Secretary pointed out that the freedom wanted by the Chief Engineer related to the contribution question As regards minor tank restoration the statute demanded only eight years' revenue, but there were many people who

2 3 Ml 98-39

No 4150
Encls

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore 29th Septr *1939*

FROM

The Chief Engineer of Mysore,
BANGALORE

To

The Secretary to the Government of Mysore,
Law Department, Bangalore

Subject - <u>Prevention of construction of buildings on road margins</u>

Sir,

I have the honour to state that according to G O No.L 9907-37/Ml 163-29-7 dated 16th June 1931 on the above subject, a margin of 50 feet measured from the extreme boundary of the land widths of the road and not from the edge of the actual road - - - surface has to be left in the case of <u>newly opened</u> roads while -- constructing new houses or shops in the Municipal limits

2 This subject was moved in the meeting of officers held in October 1938 when it was agreed that a road margin of 75 feet frc the centre of the road may be fixed As the margin measured frc the centre of the road varies with its width, I request that the first para of the Government Order of 1931 may be modified so as allow a margin of 40 feet from the extreme boundary of the land --- width or 75 feet from the centre of the road whichever is less

3 The provisions made in para 2 of the above Government Order for the road margin in the case of <u>existing</u> roads may remain - - - unaltered

I have the honour to be
Sir,
Your most obedient servant,

CHIEF ENGINEER OF MYSORE

T R S

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 1 6 11 1939

Signed by Mr M S H

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette Kannada Part?

E

Section Mel

File No 98 3a

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Official Memorandum No 5426-50/ME 275-27-1 dated 10-3-1928 directing that no within Municipal limits new houses should be allowed to be built close to the main roads and that a margin of at least 50 feet should be left between the road and the houses

~~Order thereon—No~~

G.O No 2 9907-37/INC 163 29 7 dated 16-6-1931 directing that in the cases of new houses, shops, and bazaars springing up within Municipal limits in newly opened roads, the margin of 50 feet (and also

in the Appeal Memorandum read above should be measured from the extreme boundary of land width of the road and not from the edge of the actual road surface

3) Letter No 4150 dated 29-9-1939 from the Chief Engineer of Mysore stating that the question of fixing the road margin was discussed in the meeting of officers held in October 1938 when it was agreed that a road margin of 75 feet from the centre of the road may be fixed and requesting that, as the margin measured from the centre of the road varies with its width, the G.O of 16-6-31 may be modified so as to allow a margin of 40 feet from the extreme boundary of the land width or 75 feet from the centre of the road whichever is less in the case of newly opened roads. Adding that in the case of existing roads, the provision made in Lr No dated 16-6-31 may remain unaltered

3) G.O No L 22-49/ME 274-33-3 dated 1-7-37 issuing detailed instructions regarding the procedure to be adopted to prevent the construction of buildings on the road margin in Bangalore Suburban Villages. -vs- the State

List of Enclosures

Copied by

Examined by

WD 0279—GPB—22,500—14-4-38

[illegible]

GENERAL AND REVENUE SECRETARIAT

[illegible]

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read :—

S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS

G O No L 4808-27—Ml 98-39 5 dated 17—18th November 1939

Road Margin.

Passes orders *re* the fixing of the ——

READ—

Official Memorandum No 5426 50—Ml 275 27 1 dated 10th March 1928 directing that no new houses within municipal limits should be allowed to be built close to the main roads and that a margin of at least 50 feet should be left between the road and the houses

2. Government Order No L 9907 37—Ml 163 29 7 dated 16th June 1931 directing that in the cases of new houses shops and bazaars springing up within municipal limits on newly opened roads the margin of 50 feet laid down in the Official Memorandum read above should be measured from the extreme boundary of land widths of the road and not from the edge of the actual road surface

3 Government Order No L 22 49—Ml 274 33 3 dated 1st July 1937 issuing detailed instructions regarding the procedure to be adopted to prevent the construction of buildings on the road margin in town and minor municipalities and villages in the State

4 Letter No 4150 dated 29th September 1939 from the Chief Engineer of Mysore stating that the question of fixing the road margin was discussed in the meeting of officers held in October 1938, when it was agreed that a road margin of 70 feet from the centre of the road may be fixed and requesting that as the margin measured from the centre of the road varies with its width the Government Order of 16th June 1931 may be modified so as to allow a margin of 40 feet from the extreme boundary of the land width of 70 feet from the centre of the road—whichever is less—in the case of newly opened roads and adding that in the case of existing roads the provision made in para 2 of Government Order dated 16th June 1931 may remain unaltered

ORDER No L 4808 27—ML 98 39 5, DATED BANGALORE, THE 17—18TH NOVEMBER 1939

The recommendation of the Chief Engineer is sanctioned

C SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department

To—The Chief Engineer of Mysore
The Deputy Commissioners of Districts
The Presidents of District Boards
The Municipal Commissioner Bangalore City through the President
The President City Municipal Council Mysore

Rxd—C K

W D 3430—GPB—370—27 2-40